Summary of Legislation

SPRING 1989

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Summary of Legislation - Spring 1989

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ACTS ADMINISTERED BY MUNICIPAL AFFAIRS, RECREATION AND CULTURE

BILL 17 - RESIDENTIAL PROPERTY TAX INCREASE LIMITATION ACT, 1989

THIS BILL ALLOWS MUNICIPALITIES TO LIMIT RESIDENTIAL PROPERTY TAX increases for 1989 and applies to all components of residential taxation by tax rate and not just taxation for general municipal purposes. The legislation allows for a change to the tax roll, not the British Columbia Assessment Authority assessment roll, which will remain unchanged. This Bill had an effective date of April 21, 1989.

BILL 19 - MUNICIPAL AMENDMENT ACT, 1989

THIS BILL CONTAINS A COMPREHENSIVE REVISION OF PART 24 OF THE Municipal Act concerning regional districts. The amendments in this Bill address the weaknesses and inadequacies of the current legislation. This Bill had an effective date of July 31, 1989.

The most significant change is the process by which regional districts acquire and exercise their powers. The current Cabinet order system will be replaced by statutory empowerment providing a full set of standard service powers. The new process is designed to enhance local autonomy.

The legislation introduces added flexibility into the system, particularly in financial operations, by removing unnecessary financial management constraints.

The amendments improve overall representation with simpler and clearer voting rules, including special rules for the Greater Vancouver Regional District. The new legislation also provides for improved accountability measures, including a reinforced voter's role in approving the exercise of powers.

The local community concept will enhance rural representation and is expected to be a much more popular option for rural self-government. Part 24 is now completely self-contained with respect to the creation of "service areas", hence the cross-reference to Part 16, which in the past has led to interpretation problems, is no longer necessary and has been eliminated.

A final and very important feature of the legislation is clear direction on the rules and procedures required for the efficient operation of the corporation. As a result, problems regarding the intent of legislation and operation will be reduced or eliminated.

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BILL 20 - MUNICIPAL AMENDMENT ACT (NO. 2), 1989

THIS BILL CONTAINS A NUMBER OF AMENDMENTS TO THE MUNICIPAL ACT which became effective on June 30, 1989. [B.C. Regulation 189/89, OIC #966]. Following is a listing of the Municipal Act section with an explanation of the amendment.

SECTION 24(1): sets the date for repayment of Provincial tax accounts transferred to a municipality when its boundaries are extended or a new municipality is incorporated. The amendment requires a newly-incorporated municipality to pay the Surveyor of Taxes for taxes outstanding at the date of incorporation at the end of the year of incorporation, or at the beginning of the following year. Previous legislation gave the municipality the option of paying as taxes were collected.

SECTION 82(1)(E): allows sheriffs and sheriffs officers to be eligible to stand as candidates for municipal office, bringing the municipal candidate qualifications more in line with those which apply for candidates for provincial office.

SECTION 263: eliminates requirement for provisional budget to be supplied to Council at its inaugural meeting and now simply requires the provisional budget to be prepared on or before November 30th. This amendment was necessary because with the introduction of triennial elections, inaugural meetings occur only once every three years. Although the budget is an annual event, the Act currently requires its submission at the inaugural meeting.

SECTION 398 (H) TO (K): clarifies that a municipality may, but is not required to, exempt land surrounding buildings exempted from taxation by section 398. Council must now enact a bylaw to exempt any land surrounding a building exempted under s. 398 (h) to (k). Formerly a resolution was sufficient if whole parcels were exempted. To ensure continuation of an existing exemption, Council should formalize the exemption for surrounding land in a bylaw.

SECTION 399(2): adds 398(i) to the list requiring a bylaw of Council defining the area of land surrounding a church that is to be exempted, if the total area is not exempted.

SECTION 401(2): removes the limit on the area of land used by charitable or philanthropic organizations and horticultural or agricultural societies or on which historical buildings are located that Council can grant a tax exemption to. Previous legislation contained a 2-hectare limit on the permissive tax exemption for charitable and recreational use and penalized operations like summer camps.

SECTION 429.1: provides a basis on which the municipal collector can apportion taxes on subdivided lots registered after the close of the assessment roll. This amendment will establish the recently enacted variable tax rate system as the basis for apportioning taxes on subdivisions that occur too late to be included on the current year's assessment roll.

SECTION 676: specifically empowers councils or regional boards to provide for reductions in boundaries to specified service areas as well as for extensions in boundaries. This amendment provides clear-cut authority for boundary reductions which are necessary from time to time.

SECTION 930 AND 930.1: empowers a municipality to:

(a) regulate the removal or deposit of soil subject to approval of the Minister of Energy, Mines and Petroleum Resources where the power to prohibit is exercised,

(b) require the holding of permits for the removal and deposit of soil,

(c) impose variable fees for required permits that may lawfully discriminate on the bases set out, and

(d) impose variable fees for the removal or deposit of soil which may lawfully discriminate on the bases set out.

SECTION 943(2)(c): removes outdated reference to "tree farm land" and replaces it with the current term "managed forest land" to reflect the Assessment Act wording.

SECTION 975: enables regional districts to issue temporary use permits where there is no official community plan or rural land use bylaw in effect. This amendment responds to the fact that some areas would not benefit from having such plans or bylaws so the requirement presented a needless cost to regional districts who wanted to allow temporary uses and yet did not want to zone properties for these uses because these may not be in the long term interests of the area.

SECTION 996: enables local government to have greater control over the subdivision of land for relatives and to bind those receiving these special approvals from further subdivision under residence for relative statutory provisions. The amendments to this section are the result of consultation with local government planners, approving officers, municipal lawyers, and the Union of British Columbia Municipalities. For a number of years, local governments have urged the Ministry to address the abuse of this provision of the Municipal Act. At the same time, the Province has maintained its interest in the original intention of section 996 to assist retiring farmers to remain on their land.

BILL 21 - MUNICIPAL AFFAIRS, RECREATION AND CULTURE STATUTES AMENDMENT ACT, 1989

THIS BILL CONTAINED A NUMBER OF AMENDMENTS TO VARIOUS ACTS WHICH became effective on June 30, 1989 [B.C. Regulation 189/89, OIC #966]

CULTUS LAKE PARK ACT, VARIOUS SECTIONS: enables the election of Park Board members to coincide with local elections in Chilliwack, thereby avoiding the costly requirement to hold a Park Board election in a year (1989) in which no general local or school board election were being held. Further amendments to the Cultus Lake Park Act amended "councillors" to "members of council" to be consistent with the Municipal Act, ensured that members of the Park Board are elected and have the same term of office as a

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member of council and corrected an incorrect reference to the Municipal Act.

FIRE SERVICES ACT, SECTION 26(2): deletes the specific time requirement for local governments to conduct fire safety inspections of certain types of buildings at least once in every

two months and allows municipalities to determine the appropriate system of inspection.

HOME OWNER GRANT ACT, VARIOUS SECTIONS: provides for the continuation of the additional home owner grant benefits to the surviving spouse of an individual who had been in receipt of benefits under the War Veterans Allowance Act or the Civilian War Pensions and Allowances Act. Additional grant benefits will also be available to spouses of individuals in receipt of these allowances.

MOBILE HOME TAX ACT, SECTION 1: expands the definition of "mobile home" to include industrial related trailers that are not necessarily accommodating persons. This amendment was necessary to ensure that industrial related trailers are included under the deemed assessing provision of section 2 of the Act.

MOBILE HOME TAX ACT, SECTION 3: will assess non-mobile improvements to the owner of the mobile home unless they are the property of the owner or operator of the mobile home park. This amendment to the Mobile Home Tax Act will ensure that mobile home owners are not deprived of Home Owner Grant benefits and will ensure consistent application of assessment of non-mobile improvements to owners of mobile homes.

MUNICIPALITIES ENABLING AND VALIDATING ACT: A number of MEVA amendments were also contained in Bill 21. The following is a list of validating and enabling legislation:

SECTION 275. This amendment validates an agreement between the Province and the Cariboo and Thompson-Nicola Regional District under which the Province provided a loan of $1.3 million to the regional districts to enable the continued operation of the Cariboo-Thompson Nicola Library System.

SECTION 276. This amendment enables the Nanaimo Regional District to enter into an agreement for a term of up to 20 years with a company that will construct a resource recovery plant to process municipal solid waste prior to landfilling.

SECTION 277. This amendment enables the City of Kelowna to amend and extend, for a further 12 year period, a 20 year lease between the City and the Kelowna Curling Club which was originally approved by referendum.

SECTION 278. This amendment validates a loan authorization bylaw inadvertently adopted by the Council of the Town of Smithers without following the necessary advertising procedures under section 330(2) of the Municipal Act.

SECTION 279. This amendment confirms and validates the incorporation of the Town of View Royal recommended by the Minister of Municipal Affairs, Recreation and Culture following a multiple choice poll taken on September 24, 1988 in which 72% of the valid ballots cast favoured a change in status, either by incorporation as a separate municipality or by inclusion within the Township of Esquimalt, and 65% of the valid ballots cast favoured incorporation as a separate municipality if a change in status were to take place.

REVENUE SHARING ACT, SECTION 1: adds water rentals as a new resource revenue for shareable revenue on which the province contributes towards local services provided by municipalities and regional districts.

BILL 36 - NEW WESTMINSTER REDEVELOPMENT ACT, 1989

AMENDMENTS TO THE NEW WESTMINSTER REDEVELOPMENT ACT WERE required to ensure the successful completion of the major redevelopment of downtown New Westminster, which had been put in jeopardy due to the dissolution of the British Columbia Enterprise Corporation. The redevelopment project is halfway through its 20 year program. These amendments empower the City and developers to provide for mutually desired off-site servicing, to preserve the development approval process now in place, and to expand the boundaries of the urban redevelopment area to take in a consenting developer. This Bill became effective at Royal Assent on June 28, 1989.

BILL 38 - MUNICIPAL AFFAIRS, RECREATION AND CULTURE, STATUTES AMENDMENT ACT (NO. 2), 1989

THIS BILL CONTAINS A NUMBER OF AMENDMENTS TO VARIOUS ACTS WHICH became effective at Royal Assent on June 28, 1989.

FIRE SERVICES ACT, SECTION 1: revised definition of "hotel" to ensure that condominiums, with two or more levels of strata lots, and one or more corridors that are common property, both as defined in the Condominium Act, are subject to the same fire safety requirements as those applied to other multiple-dwelling buildings. By specifying condominiums within the definition of hotel, a means exists to extend life safety systems beyond the common areas within a strata property to include what was otherwise considered private dwelling units.

MUNICIPAL ACT, SECTIONS 6 - 8: clarifies and expands the minister's power to direct a poll to be taken regarding the proposed incorporation of a new municipality by allowing multiple choice ballots on incorporation alternatives. In recent local government organization studies, communities have considered the option of incorporating as an independent municipality or becoming part of an existing municipality. The multiple choice ballot will be utilized for incorporation/restructure polls where alternatives are under consideration.

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MUNICIPAL ACT, SECTION 682: allows municipalities to enter into agreements with universities, colleges or school boards to jointly construct, maintain or operate community recreation facilities. Previous legislation allowed these agreements to be made only with school boards.

MUNICIPAL ACT, SECTION 699(1): clarifies that fire fighting is only one of the many responsibilities of today's fire department and allows the duties of the fire department to be outlined by bylaw. In the past, fire departments were established for the prime purpose of fire suppression and prevention. However, their role in community emergency has expanded to include other responsibilities such as rescue, first aid and incidents involving hazardous materials. This amendment authorizes fire departments to undertake rescues, apply first aid, or deal with incidents involving hazardous materials, and provides liability protection to individuals undertaking them.

MUNICIPAL ACT, SECTION 734(1.1): clarifies the authority of a local government to levy variable building inspection fees. This amendment responds to recent court rulings that existing section 734(1) will be interpreted to not allow variable fees.

MUNICIPALITIES ENABLING AND VALIDATING ACT: Amendments to the Municipalities Enabling and Validating Act were also contained in this Bill. A listing of validating legislation follows.

SECTION 280. Validating legislation allows seven municipalities (Kitimat, Vanderhoof, Terrace, Burns Lake, Smithers, Prince Rupert and Houston) to enter into a franchise agreement with Pacific Northern Gas Limited without the assent of electors, notwithstanding section 646 of the Municipal Act. Since 1968, Pacific Northern Gas Limited and the seven municipalities have been operating under an Order of the Public Utilities Commission of British Columbia. The Order has functioned like a franchise agreement under section 646 of the Municipal Act and bypassed the need for the assent of electors which would normally have been required to enter into a franchise agreement. Validating legislation was done as it was not practical to require the assent of electors when the parties have been operating under essentially the same terms for over 20 years.

SECTION 281. Legislation for the City of Port Moody validates bylaw No. 1948, adopted on December 12, 1988, which set a sewer user charge for major industrial users based on the volume of effluent discharged to the City sewer system. The most appropriate method of determining the sewer user charge for the Imperial Oil refinery at Ioco and for other major industrial users is on the amount of effluent discharged, a method not authorized under section 612 of the Municipal Act.

REVENUE SHARING ACT, SECTION 1 AND 4.11: adds the definition of "greater board" as defined in section 943(1) of the Municipal Act so that revenue sharing grants can be paid directly to the greater water and sewerage and drainage districts providing water and sewer facilities to local government, rather than indirectly to the municipalities and regional districts that are within those greater districts.

BILL 49 UNIVERSITY ENDOWMENT LAND AMENDMENT ACT, 1989

THIS AMENDMENT TO THE UNIVERSITY ENDOWMENT LANDS ACT was requiredto allow the Minister to adopt, by bylaw, community plans and land use regulations for the University Endowment Lands, similar to those than can be adopted by a municipal council under Part 29 of the Municipal Act. The amendment will also adopt and validate bylaws which have been prepared by the University Endowment Lands. This Bill became effective at Royal Assent on June 28, 1989.

BILL 65- ELECTRICAL SAFETY AMENDMENT ACT, 1989

THIS EXPOSURE BILL CONTAINS AMENDMENTS DESIGNED TO ALLOW THE electrical industry to assume a greater share of responsibility for meeting safety standards. This bill also contains a provision that will allow for regulations to proceed. This bill received First Reading on July 4, 1989 and has not been adopted.

BILL 75 - MUNICIPAL AFFAIRS, RECREATION AND CULTURE, STATUTES AMENDMENT ACT (NO. 3), 1989

AMENDMENTS TO THE MUNICIPALITIES ENABLING AND VALIDATING ACT AND the Municipal Act were contained in this Bill. Commencement at various dates shown in the text of each item.

MUNICIPALITIES ENABLING AND VALIDATING ACT: the following is a list of the validating and enabling legislation.

SECTION 282. Validates bylaw No. 6517 of the City of Vancouver which provided for the partial deferral of the tax payment date for certain commercial real property. This bylaw was deemed to have come into force on July 4, 1989. This section became effective at Royal Assent on July 20, 1989.

SECTION 283. Enabling legislation provides the Central Okanagan, Okanagan-Similkameen, North Okanagan, Central Kootenay and Columbia-Shuswap Regional Districts with authority to establish, jointly, a Sterile Insect Release Programme. This programme is intended to control and virtually eradicate the codling moth, one of the major and potentially most damaging insect pests faced by British Columbia fruit growers. This section had an effective date of July 31, 1989.

SECTION 284. Enabling legislation allows the Resort Municipality of Whistler to enter into an agreement with the Whistler Resort Association. Under the agreement the

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municipality may be obligated to remit to the Whistler Resort Association, for the purposes of financing the operation of the Whistler Convention Centre and the Whistler Golf Course by the Whistler Resort Association, a portion of the hotel room tax that the municipality receives under the Hotel Room Tax Act. This section becomes effective by regulation of the Lieutenant Governor in Council.

MUNICIPAL ACT, SECTION 932(H): allows municipalities and regional districts the authority to pass bylaws respecting the control of graffiti. This legislation addresses the growing problem, particularly in larger municipalities, that municipalities and regional districts are facing with regard to graffiti. This new provision enables local governments to deal with the proliferation of graffiti by regulating the making of graffiti and by requiring owners/occupiers to remove graffiti from their property. This section became effective at Royal Assent on July 20, 1989.

BILL 78 - ISLANDS TRUST ACT, 1989

THIS BILL CONTAINS A COMPREHENSIVE REVISION OF THE ISLANDS TRUST Act. The new Act preserves the mandate of the Islands Trust while restructuring its organization to increase its effectiveness. The Act clearly defines the trust's two separate yet complementary functions of land use planning and regulation and of trust fund administration.

Responsibility for local land use decisions remains with the local trust committees. At the same time, the Act contemplates the future creation of municipalities within the trust area and establishes the Islands Trust Council. The Council, comprised of the local and municipal trustees, is the principal body for the trust's administrative and land use policy decisions.

Responsibility for the Islands Trust Fund is given to a new trust fund board that will, as an agent of the Crown, administer the fund and manage its land assets. Although a separate entity, the trust fund board's membership and reporting requirements will maintain close links with the trust council.

BILL 80 - MUNICIPAL AMENDMENT ACT (NO. 3), 1989

MUNICIPAL ACT, SECTION 982: this exposure bill will facilitate the development approvals process by enabling an owner and a local government to enter into an agreement on all non-financial aspects of a development. This will provide greater public assurance that a project will be built as proposed as well as certainty to the developer and future land owners. This is similar to the land use contract legislation which was repealed in 1978 because of concerns expressed about its abuse. Legislation enacted since that time has addressed major concerns respecting the development approvals process. Safeguards are contained in the comprehensive development agreement provisions to avoid abuses experienced under the former land use contract legislation. This bill received First Reading on July 12, 1989 and has not been adopted. Comments will be solicited before further consideration is given to this provision.

LEGISLATION SPONSORED BY OTHER MINISTRIES WHICH CONTAINS CONSEQUENTIAL AMENDMENTS TO ACTS WHICH ARE THE RESPONSIBILITY OF MARC

BILL 2 - STATUTES REPEAL ACT, 1989

THIS BILL ALLOWS FOR THE REPEAL OF THE PROVINCIAL RAPID TRANSIT Subsidy Act, S.B.C. 1972, c. 50; the Provincial Transit Fund Act, S.B.C. 1968, c. 62; and the Transit Services Act, S.B.C. 1974, c. 97. Section 25 of the Urban Transit Authority Act, 1978 provided for the repeal of the above three Acts. Sponsor- Ministry of Attorney General.

BILL 5 - BUDGET MEASURES IMPLEMENTATION ACT, 1989

AN AMENDMENT TO THE BRITISH COLUMBIA TRANSIT ACT CLARIFIES THAT A regulation under section 14 of that Act may apply to gasoline or motive fuel or to both. Sponsor- Ministry of Finance and Corporate Relations.

BILL 23 - SUPREME COURT ACT, 1989

AMENDMENTS TO THE FIRE SERVICES ACT, THE MUNICIPAL ACT AND THE Vancouver Charter replaces the definition of "County Court" and substitutes "Supreme Court". This Act brings about the merger of the Supreme Court and the County Courts. Sponsor- Ministry of Attorney General.

BILL 26 - JUSTICE REFORM STATUTES AMENDMENT ACT, 1989

AMENDMENTS TO THE MUNICIPAL ACT AND THE VANCOUVER CHARTER WILL implement recommendation 138 of the Justice Reform Committee Report published in November, 1988 by providing a form of ticket information for the enforcement of designated municipal and regional district bylaws. Sponsor- Ministry of Attorney General.

BILL 42 - CEMETERY AND FUNERAL SERVICES ACT, 1989

AMENDMENTS TO THE MUNICIPAL ACT AND THE VANCOUVER CHARTER update legislation covering cemetary, cremation and funeral services and consolidates into one Act the existing Cemetery Act, Cemetery Company Act, Cemetery (Municipal) Act, Cremation Act and Funeral Plan Act. The primary impact on local government is the prohibition of telephone solicitation and direct selling of these services. Sponsor- Ministry of Labour and Consumer Services.

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BILL 51 - FINANCIAL INSTITUTIONS ACT, 1989

This Bill establishes an updated regulatory framework for the operation of trust companies, insurance companies and credit unions and consolidates identical regulatory provisions applicable to all provincially regulated financial institutions in one enactment. Consequential amendments are made to the Fire Services Act, the Islands Trust Act, the Municipal Act, the Municipal Finance Authority Act and the Vancouver Charter. Sponsor- Ministry of Finance and Corporate Relations.

B

BILL 67 - SCHOOL ACT, 1989

THIS BILL CONTAINS AMENDMENTS TO THE ISLANDS TRUST ACT, THE LOCAL Services Act, the Municipal Act, the University Endowment Lands Act and the Vancouver Charter as part of a new School Act as recommended by the Royal Commission on Education. Sponsor- Ministry of Education.

BILL 73 - MINERAL TAX ACT, 1989

A REVENUE SHARING ACT AMENDMENT TO THE DEFINITION OF "SHAREABLE revenue" will now include the "Mineral Tax Act". Sponsor- Ministry of Energy, Mines and Petroleum Resources.

MISCELLANEOUS LEGISLATION PERTAINING TO LOCAL GOVERNMENT

BILL 26 - JUSTICE REFORM STATUTES AMENDMENT ACT, 1989

AMENDMENTS TO THE MUNICIPAL ACT, THE OFFENCE ACT AND THE Provincial Court Act have been made which will allow municipalities and regional districts to enforce bylaws by means of a ticket. Bylaws are to be prescribed by regulation and fine levels set in consultation with the Chief Judge of the Provincial Court. The legislation encompasses a deemed conviction provision. The use of Bylaw Courts is to be expanded and a bylaw or traffic adjudicator, who will have the power of a judge for bylaw ticketing is provided for. The amendments to the Municipal Act and Vancouver Charter respecting ticketing will implement recommendation 138 of the Justice Reform Committee Report published in November, 1988. Sponsor - Ministry of Attorney General.

BILL 29 - FINANCE & CORPORATE RELATIONS STATUTES AMENDMENT ACT, 1989

AN AMENDMENT TO THE EDUCATION (INTERIM) FINANCE ACT ADVANCES the dates the province uses to prescribe tax rates on non-residential property; and, allows reconciliation of outstanding amounts of past non-residential school taxes. Sponsor - Ministry of Finance and Corporate Relations.

BILL 30 - AGRICULTURAL PROTECTION ACT, 1989

THIS ACT PROVIDES FARMERS WITH A DEFENCE FOR NUISANCE ACTIONS IF their farms are operating in the ALR and in accordance with relevant legislation and standards. Sponsor - Ministry of Agriculture and Fisheries.

BILL 35 - PENSION (MISCELLANEOUS AMENDMENTS) ACT, 1989

AN AMENDMENT TO THE PENSION (MUNICIPAL) ACT PROVIDES THAT unless there is an agreement or court order to the contrary a separated spouse takes precedence over a common-law spouse. Sponsor -Ministry of Government Management Services.

BILL 39 - HEALTH STATUTES AMENDMENT ACT, 1989

AMENDMENTS TO THE COMMUNITY CARE FACILITY ACT REDUCE THE number of persons a community care facility can accommodate on a day care basis as well as limiting the number of those in residence at a community care facility. Sponsor - Ministry of Health.

BILL 42 - CEMETERY & FUNERAL SERVICES ACT, 1989

THIS ACT ENACTS UPDATED LEGISLATION AND CONSOLIDATES THE various Acts dealing with cemetery, cremation and funeral services into one Act, the Cemetery and Funeral Services Act.
The primary impact on local government is the prohibition of telephone solicitation and direct selling of these services.
Sponsor -Ministry of Labour and Consumer Services.

BILL 48 - ASSESSMENT AMENDMENT ACT, 1989

THIS ACT CLARIFIES AND VALIDATES UTILITY ASSESSMENTS AND VALIDATES church classifications. It also clarifies the taxable status of properties transferred to or from B.C. Hydro and amends the Assessment Appeal Board procedures. Sponsor - Ministry of Finance and Corporate Relations.

BILL 52 - MOTOR VEHICLE AMENDMENTS ACT, 1989

THIS ACT REPEALS SECTIONS 121 TO 129 OF THE MOTOR VEHICLE ACT. Repealing these sections is required to allow for the imposition of traffic fines in addition to penalty points for moving traffic violations. This amendment is of interest to local government because greater police costs may be incurred if police officers are required to spend more time in court as Crown witnesses. Sponsor - Ministry of Solicitor General.

BILL 58 - WASTE MANAGEMENT AMENDMENT ACT, 1989

THIS ACT AMENDS THE WASTE MANAGEMENT ACT TO REQUIRE REGIONAL districts, and municipalities not within a regional district, to have waste management plans in place respecting refuse and biomedical waste by specified target dates. Sponsor - Ministry of Environment.

BILL 60 - LITTER AMENDMENT ACT, 1989

THIS ACT INCREASES THE MAXIMUM FINE FOR LITTERING TO $2,000 FROM $500 and increases the daily fine for continuing offences to $500 from $100. It also ensures the Litter Act applies to all water bodies in the province. Sponsor - Ministry of Environment.

BILL 67 - SCHOOL ACT, 1989

AMENDMENTS TO THE DISQUALIFICATION AND CONFLICT OF INTEREST provisions contained in this Act are of interest to municipal and regional district officials as they are closely parallel to provisions in the Municipal Act. Sponsor - Ministry of Education.

BILL 90 - MISCELLANEOUS STATUTES AMENDMENT ACT (#1), 1989

AN AMENDMENT TO THE ASSESSMENT AUTHORITY ACT PROVIDES FOR interest to be paid on taxes collected under the Act by municipalities that do not pay tax proceeds on time. Sponsor - Ministry of Attorney General.

STATUS OF MINISTRY SPONSORED LEGISLATION

THIRD SESSION, THIRTY-FOURTH PARLIAMENT
MARCH 16 - JULY 20, 1989

Bill	Title	Section of Bill	Act, Section Number and Description of Amendment	Effective	Comments
17	**Residential Property Tax Increase Limitation Act, 1989**	All	Residential Property Tax Increase Limitation Act, Bill allows municipalities to limit residential property tax increases for 1989.	April 21/89	N/A
19	**Municipal Amendment Act, 1989**	All	Municipal, Part 24 (Regional District).	July 31/89	May 8 - 1st July 12 - 2nd July 13 - Com July 13 - 3rd July 17 - R.A.
20	**Municipal Amendment Act (No. 2), 1989**	1	Municipal, s. 24(1). Requires a newly-incorporated municipality to pay the Surveyor of Taxes for taxes outstanding at the date of incorporation at the end of the year of incorporation.	June 30/89 BC Reg 189/89 OIC 966	May 2 - 1st June 2 - 2nd June 21 - Com June 21 - 3rd June 28 - R.A.
		2	Municipal, s. 82(1)(e). Allows sheriffs and sheriffs' officers to stand as candidates for municipal office.		
		3	Municipal, s. 263. Eliminates requirement for provisional budget to be supplied to Council at its inaugural mtg.		
		4	Municipal, s. 398. Clarifies that a municipality may, but is not required to, exempt land surrounding buildings exempted from taxation by section 398.		
		5	Municipal, s. 399. To add s 398(i) to the list requiring a bylaw of Council defining the area of land surrounding a church that is to be exempted, if the total area is not exempted		
		6	Municipal, s. 401(2). Removes the limit on the area of land used by charitable or philanthropic organizations or horticultural or agricultural societies or on which historical buildings are located that can be given a permissive tax exemption.		
		7	Municipal, s. 429.1. Provides a basis on which the Municipal Collector can apportion taxes on subdivided lots registered after the close of the assessment roll.		
		8	Municipal, s. 676. Authorizes reduction as well as enlargement of a specified area by municipal bylaw.		
		9	Municipal, s. 930. Removes the subject matter of the new section 930.1 from section 930.		
		10	Municipal, s. 930.1. Empowers a municipality to: a) regulate the removal or deposit of soil; b) require the holding of permits for removal/deposit of soil; c) impose variable fees for required permits that may lawfully discriminate on the bases set out, and		

Bill	Title	Section of Bill	Act, Section Number and Description of Amendment	Effective	Comments
20	continued		d) impose variable fees for the removal or deposit of soil which may lawfully discriminate on the bases set out.		
		11	Municipal, s. 943(2)(c). Amends outdated reference to tree farm land and replaces it with current term of "managed forest land."		
		12	Municipal, s. 975. Enables regional districts to issue temporary use permits where there is no official community plan or rural land use bylaw in effect.		
		13	Municipal, s. 996. Enables local government to have greater control over the subdivision of land for relatives and and to bind those receiving these special approvals from further subdivision under residence for relative statutory provisions		
21	MARC Statutes Amendment Act	1-4	Cultus Lake Park, s. 4, 6, 7, 14(j). Miscellaneous "housekeeping" amendments.	June 30/89 BC Reg 189/89 OIC 966	May 2 - 1st June 2 - 2nd June 21 - Com June 21 - 3rd June 28 - R.A.
		5	Fire Services, s. 26(2). Allows municipalities to determine appropriate system of inspection.		
		6-9	Home Owner Grant, s. 2(2), 3(3), 3.1(3), 3.2(3). Provides for the continuation of the additional hog benefits to the surviving individuals who had been in receipt of benefits under the War Veterans Allowance Act or the Civilian War Pensions and Allowances Act. Additional grant benefits will also be available to spouses of individuals in receipt of these allowances.		
		10	Miscellaneous Statutes Amendment Act (No. 1), 1988. Consequential on change to triennial election system for municipalities.		
		11	Mobile Home Tax, s. 1. Clarifies that industrial trailers are mobile homes.		
		12	Mobile Home Tax, s. 3. Provides that improvements, such as garages or sundecks, which are attached to a mobile home located in a mobile home park will be assessed in the name of the home owner unless they are the property of the owner or operator of the park.		
		13	MEVA, s. 264(1). Eliminates name of specific contractor from legislation, thereby allowing the Central Kootenay Regional District to enter into an agreement with any contractor for the incineration of solid waste.		
		14	MEVA, s. 272. Corrects an editing error.		
		15	MEVA, s. 275. Validates agreements between the Province and the Cariboo and Thompson-Nicola RD providing for a provincial loan to the regional districts of $1.3 million.		
			MEVA, s. 276. Allows the Nanaimo RD to enter into agreements for terms of up to 20 years for the construction and operation of a resource recovery plant to process municipal solid waste prior to landfilling.		
			MEVA, s. 277. Allows the City of Kelowna to extend, for a further 12 years, a 20 year lease with the Kelowna Curling Club without the need for further assent of the electorate.		
			MEVA, s. 278. Validates a loan authorization bylaw of the Town of Smithers inadvertently adopted by Council without following the necessary advertising procedures under the Municipal Act.		

Bill	Title of Bill	Section	Act, Section Number and Description of Amendment	Effective	Comments
21	**continued**		MEVA, s. 279. Confirms and validates the incorporation of the Town of View Royal, effective October 15, 1988.		
		16	Revenue Sharing Act, s. 1. Adds water rentals as a new resource revenue for shareable revenue on which the province contributes towards local services provided by municipalities and regional districts.		
		17	Cultus Lake Park, s. 7. Extends the terms of office of the members of the parks board one year so that the terms of office expire at the same time as those of the members of council of the District of Chilliwack, in 1990.		
		18	MEVA, s. 272. Clarifies the status of a section previously enacted.		
36	**New Westminster Redevelopment Act, 1989**		New Westminster Redevelopment Act. Enables the completion of the major redevelopment of downtown New Westminster by empowering the City and developers to provide for mutually desired off-site servicing, to preserve the development approval process now in place, and to expand the boundaries of the urban redevelopment area to take in a consenting developer.	June 28/89	June 13 - 1st June 21 - 2nd June 23 - Com June 23 - 3rd June 28 - R.A.
38	**MARC, Statutes Amendment Act (No. 2), 1989**	1	Fire Services Act, s. 1. Definition of hotel revised.	June 28/89	June 13 - 1st June 21 - 2nd June 23 - Comm June 23 - 3rd June 28 - R.A.
		2	Municipal, s. 6 etc. Clarifies and expands the minister's power to direct a poll to be taken regarding the proposed incorporation of a new municipality by allowing multiple choice ballots regarding incorportion alternatives.		
		3 - 4	Municipal, s. 11 and 22 (4). Consequential to new section 6.		
		5	Municipal, s. 84(1). Clarification of section at request of Legislative Counsel.		
		6	Municipal, s. 682. Allows municipalities to enter into agreements with universities, colleges or school boards to jointly construct, maintain or operate community recreation facilities.		
		7	Municipal, s. 699(1). Clarifies that fire fighting is only one of the many responsibilities of today's fire dept. Allows the duties of the fire department to be outlined by bylaw.		
		8	Municipal, s. 734(1.1). Clarifies authority of a local government to levy variable building inspection fees.		
		9	MEVA, s. 280. Allows the municipalities to continue, by agreement entered into without elector assent, the franchise agreement they presently have with Pacific Northern Gas Ltd, under a Public Utilities Commission order. MEVA, s. 281. Validates a bylaw of the City of Port Moody which establishes a sewer user charge for major industrial users based on the volume of effluent discharged.		
		10 - 11	Revenue Sharing, s. 1. Allows revenue sharing grants to be paid directly to the greater districts providing water and sewer facilities rather than to the municipalities and regional districts that are within the greater district.		

Bill	Title	Section of Bill	Act, Section Number and Description of Amendment	Effective	Comments
49	**University Endowment Land Amendment Act**	All	University Endowment Lands Amendment Act. This amendment gives the Minister of MARC the power to adopt a community plan and land use regulations for the UEL by bylaw.	June 28/89	June 20 - 1st June 21 - 2nd June 21 - Com June 23 - 3rd June 28 - R.A.
65	**Electrical Safety Amendment Act**	All	Contains measures designed to allow the electrical industry to assume a greater share of responsibility for meeting safety standards. Also provides for regulations to proceed.	Exposure Bill	July 4 - 1st
75	**MARC, Statutes Amendment Act (No. 3), 1989**	1 - 2	Municipal s. 262 (4) and 755.1 (2). Provide for indemnification protection from personal laibility for members and employees of the Okanagan-Kootenay Sterile Insect Release Board.	July 31, 1989	July 14 - 1st July 19 - 2nd July 20 - Com July 20 - 3rd July 20 - R.A.
		3	Municipal, s 932(h). Graffiti. Enable municipalities and regional districts to have authority to pass bylaws respecting the control of graffiti.	At R.A.	
		4	MEVA, s. 282 Validation of Vancouver bylaw which provides for the partial deferral of the tax payment date for certain commercial real property.	At R.A.	
			MEVA, s. 283. Enables the establishment of the Okanagan-Kootenay Sterile Insect Release Board in order to permit a coordinated effort to control the codling moth.	July 31, 1989	
			MEVA, s. 284. The Whistler Convention Centre and the Whistler Golf Course are being transferred to the Whistler Village Land Company. The company will, in turn, lease the properties to the Whistler Resort Association which will operate those facilities. This amendment will grant tax exempt status to the facilities and will authorize municipal financing of their operation.	August 14, 1989 BC Reg 234/89 OIC 1175	
		5	Vancouver Charter, s. 323. Provides Vancouver with the same powers respecting graffiti as are given to other local governments by the new section 932 (h) and (h.1) of the Municipal Act.	At R.A.	
78	**Islands Trust Act, 1989**	All	New Islands Trust Act.	By regulation	July 12 - 1st July 13 - 2nd July 17 - Com July 17 - 3rd July 20 - R.A.
80	**Municipal Amendment Act (No. 3), 1989**	All	Municipal, s. 982. Development Agreements.	Exposure Bill	July 12 - 1st

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